

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

OCCIDENTAL CHEMICAL
CORPORATION,

Plaintiff,

v.

21ST CENTURY FOX AMERICA,
INC., *et al.*,

Defendants and Third-Party
Plaintiffs,

v.

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, *et al.*,

Third-Party Defendants.

Civil Action No.

18-11273 (MCA) (LDW)

ORDER

THIS MATTER having come before the Court by way of Plaintiff Occidental Chemical Corporation's April 26, 2023 letter (ECF No. 2296) requesting an Order partially lifting the stay of the above-captioned litigation; and the Court having considered plaintiff's April 26, 2023 letter and defendants' and third-party defendants' May 4, 2023 letter in response (ECF No. 2301); and for the reasons set forth on the record during the May 10, 2023 telephone conference with the Court; and for good cause shown; and

WHEREAS on March 1, 2023 this Court granted the unopposed motion of the defendants and third-party defendants for a ~~six-month~~ stay of this matter and entered an Order (ECF No. 2288) administratively terminating this action and any pending motions; and

WHEREAS on March 7, 2023 this Court entered an Amended Order (ECF No. 2289);

and

WHEREAS the Court's Orders stated that "there is no question that resolution of [*United States v. Alden Leeds, Inc.*, Civ. A. No. 22-7326 (MCA) (LDW)] could substantially affect this matter because the Consent Decree, if approved, could result in the dismissal of some or all of OxyChem's claims against at least 85 defendants, substantially reducing the scope of any remaining cost recovery and contribution claims for contamination in the Lower Passaic River in the Diamond Alkali Superfund Site"; and

WHEREAS the Court's Orders provided that any party may request that this action be reopened and restored to the Court's active docket following adjudication of *United States v. Alden Leeds, Inc.*, Civ. A. No. 22- 7326 (MCA) (LDW), or for other good cause shown by filing a letter to that extent; and

WHEREAS the comment period for the proposed Consent Decree lodged in *United States v. Alden Leeds, Inc.* closed on March 22, 2023; and

WHEREAS on May 5, 2023, the United States informed the Court that there are at least three possible positions that the United States may take regarding the proposed Consent Decree lodged in *United States v. Alden Leeds, Inc.*, including (a) seeking entry of the proposed Consent Decree by motion with the Court, (b) informing the Court that the proposed Consent Decree must be modified, and (c) informing the Court that the proposed Consent Decree is unfair, unreasonable, or inconsistent with CERCLA and that it withdraws its support of the proposed Consent Decree; and

WHEREAS on May 22, 2023, in response to the Court's Order on Preliminary Case Management Issues entered May 19, 2023 in *United States v. Alden Leeds, Inc.*, the United States submitted a proposed order under which it would notify the Court no later than September

22, 2023 whether it will file a motion to enter the proposed Consent Decree and will file a proposed schedule for the next steps; and

WHEREAS plaintiff submitted this proposed Order on June 6, 2023, by which the Court understands plaintiff to be withdrawing its April 26, 2023 request to partially lift the stay of this matter; and

WHEREAS all parties consent to entry of this Order (ECF No. 2314);

IT IS, on this 12th day of June 2023, **ORDERED** that the stay and administrative termination entered by the Court's March 1, 2023 Order (ECF No. 2288), as amended by the Court's March 7, 2023 Amended Order (ECF No. 2289), shall continue until November 10, 2023; and it is further

ORDERED that, after the United States notifies the Court and the parties in *United States v. Alden Leeds, Inc.* how it intends to proceed with the Consent Decree, which date shall not be later than September 22, 2023 or other date set by the Court, the parties to this action shall confer within 20 days regarding whether the stay of this matter continues to be warranted and submit a letter informing the Court of the parties' respective positions; and it is further

ORDERED that this shall not constitute a dismissal Order under Federal Rule of Civil Procedure 41; and it is further

ORDERED that any party may request that this action be reopened and restored to the Court's active docket for good cause shown by filing a letter to that extent at any time.



Hon. Leda Dunn Wettre
United States Magistrate Judge